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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,479	11/21/2003	Noboru Koumura	00862.023336	8112

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NEW YORK, NY 10112

EXAMINER

PAHNG, JASON Y

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,479

Applicant(s)

KOUMURA ET AL.

Examiner

Jason Y. Pahng

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because Figures 2-9 appears to be contaminated by dirty marks in the middle of the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The amendment overcomes the claim rejections under 35 U.S.C. 112 made in the last Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecturmy et al. (US 6,311,904) in view of Christiani et al. (US 2003/0183705), Prew et al. (US 5,257,740), and Aoki et al. (US 6,568,612).

With regard to claim 1, Lecturmy discloses a process for crushing a cartridge while toners are collected by suction. In a closely related art, Christiani teaches a process for recycling a plastic material of a package or cartridge [0001] wherein the process includes:

1. using a magnetic separator [0005];
2. using an air separator (20); and
5. a spectroscopic separation process [0001];

Christiani's process improves separation of materials which can be recycled. Therefore, it would have been obvious to one skilled in the art at the time the invention was made

to provide Lecturmy with a process for recycling his plastic cartridge as taught by Christiani, in order to improve separation of materials which can be recycled.

With regard to claim 1, the intended use of the process for a particular cartridge including metal, toner particles, and plastic materials of at least two different colors does not differentiate the claimed process from a combination of prior art processes satisfying the claimed process limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Claim 1 also calls for a nominal secondary crushing step. In a closely related art, Prew discloses a secondary crushing step (column 2, lines 15-23) in order to further adjust size of a material during a recycling process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a secondary crushing step in order to further adjust size of a material during a recycling process, as taught by Prew.

Claim 1 still further call for a nominal process to separate plastic material by color. Aoki discloses a process for separating plastic material by color (column 4, lines 52-59) in order to enhance the quality of recovered plastic. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a process for separating plastic material by color in order to enhance the quality of recovered plastic, as taught by Aoki.

With regard to claim 2, Christiani's process includes a plastic material conveyed in a dried state in a spectroscopic separation process [0001].

With regard to claim 3, the intended use of the process for a particular plastic material with a reflection density not less than 1 does not differentiate the claimed

process from a prior art process satisfying the claimed process limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Response to Arguments

Applicant's arguments filed June 9, 2005 have been fully considered but they are not persuasive.

Applicant argues that the references of record do not disclose "the step of separating remaining toner particles from size-adjusted, twice-crushed, process-cartridge plastic materials" (page 13). However, the combination of Lecturmy, Christiani, Prew, and Aoki disclose the limitation as discussed above in the claim rejections under 35 U.S.C. 103 above. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant also argues that there is no motivation to combine Lecturmy and Christiani because Christiani does not solve the dust explosion issue. However, there is a motivation to combine Christiani as discussed above in the claim rejections under 35 U.S.C. 103. The fact that Christiani does not solve the dust explosion issue is not relevant. There are also motivations to combine Prew and Aoki as discussed above in the claim rejections under 35 U.S.C. 103.

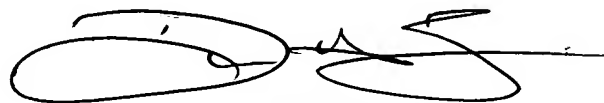
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP



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